

1 MICHAEL D. TORPEY (SBN 79424)  
JAMES N. KRAMER (SBN 154709)  
2 RICHARD GALLAGHER (SBN 208714)  
JAMES E. THOMPSON (SBN 240979)  
3 ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
4 405 Howard Street  
San Francisco, CA 94105-2669  
5 Telephone: 415-773-5700  
Facsimile: 415-773-5759

6 *Attorneys for Nominal Defendant NVIDIA Corporation*

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION  
11

12 In re NVIDIA CORP. DERIVATIVE  
LITIGATION

Master File No. C-06-06110-SBA (JCS)

13 STIPULATION AND ORDER  
REGARDING BRIEFING SCHEDULE

14 This Document Relates To:

15 ALL ACTIONS.  
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1 This Stipulation is entered into by and among co-lead plaintiffs, the Nominal Defendant  
 2 NVIDIA Corp. ("NVIDIA"), and the individuals named as defendants in this action, through their  
 3 attorneys of record.

4 WHEREAS, on May 22, 2008 NVIDIA and plaintiffs in all three derivative options  
 5 actions (Delaware Chancery, Santa Clara Superior, and Northern District of California) engaged  
 6 in a global mediation session before Judge Infante;

7 WHEREAS, at the mediation, the parties made significant progress towards resolution of  
 8 the underlying derivative matters, and continue to engage in further settlement discussions;

9 WHEREAS, the deadlines set forth in the parties' prior Stipulation and Court Order  
 10 required plaintiffs to re-submit to the Court their Second Amended Complaint on or before June  
 11 2, 2008, defendants to file their motions to dismiss on or before June 23, 2008, plaintiffs to file  
 12 their opposition briefs on or before August 4, 2008, and defendants to file their reply briefs or  
 13 before August 25, 2008;

14 WHEREAS, in light of the continuing settlement discussions, and in the interests of  
 15 conserving party and Court resources, the parties mutually agree and seek the Court's approval to  
 16 postpone any further activity in this case until June 16;

17 WHEREFORE, IT IS STIPULATED AND AGREED that:

- 18 1. If the case does not settle on or before June 16, 2008, plaintiffs will re-submit to  
 19 the Court their Second Amended Complaint by June 16, 2008.
- 20 2. The parties will meet and confer regarding the Court's April 23, 2008 order  
 21 denying plaintiffs' Administrative Motion to Seal Portions of the Second  
 22 Amended Complaint and, if necessary, plaintiffs will file a renewed administrative  
 23 motion on or before June 16, 2008.
- 24 3. Defendants will file their motions to dismiss on or before July 11, 2008.
- 25 4. Plaintiffs will file their opposition briefs on or before August 11, 2008.
- 26 5. Defendants will file their reply briefs or before August 26, 2008.

DATED: June 2, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP  
MICHAEL D. TORPEY  
JAMES N. KRAMER  
RICHARD GALLAGHER  
JAMES THOMPSON

The Orrick Building  
405 Howard Street  
San Francisco, CA 94105  
Telephone: 415/773-5700  
415/773-5759 (fax)

- 2 -

1 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*  
2 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*  
3 *with General Order 45, X.B., I hereby attest that Travis E. Downs III has concurred in this filing.*

4 DATED: June 2, 2008

LERACH COUGHLIN STOIA GELLER

RUDMAN & ROBBINS LLP

TRAVIS E. DOWNS III

BENNY C. GOODMAN III

MARY LYNNE CALKINS

655 West Broadway, Suite 1900

San Diego, CA 92101

Telephone: 619/231-1058

619/231-7423 (fax)

9 s/ Travis E. Downs III

10 TRAVIS E. DOWNS III

11 LERACH COUGHLIN STOIA GELLER

RUDMAN & ROBBINS LLP

12 SHAWN A. WILLIAMS

13 MONIQUE C. WINKLER

14 AELISH M. BAIG

100 Pine Street, Suite 2600

San Francisco, CA 94111

Telephone: 415/288-4545

415/288-4534 (fax)

17 LERACH COUGHLIN STOIA GELLER

RUDMAN & ROBBINS LLP

18 THOMAS G. WILHELM

9601 Wilshire Blvd., Suite 510

Los Angeles, CA 90210

Telephone: 310/859-3100

310/278-2148 (fax)

21 BARRACK, RODOS & BACINE

DANIEL BACINE

JEFFREY W. GOLAN

3300 Two Commerce Square

2001 Market Street

Philadelphia, PA 19103

Telephone: 215/963-0600

215/963-0838 (fax)

26 Attorneys for Co-Lead Plaintiffs

1 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*  
2 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*  
3 *with General Order 45, X.B., I hereby attest that Stephanie Byerly has concurred in this filing.*

4 DATED: June 2, 2008

HOWREY LLP  
LEIGH A. KIRMSSE  
STEPHANIE BYERLY

5  
6 s/ Stephanie Byerly  
STEPHANIE BYERLY

7  
8 525 Market Street, Suite 3600  
San Francisco, CA 94105-2708  
Telephone: 415/848-4966  
9 415/848-4999 (fax)

10 Attorneys for Defendant Christine B. Hoberg

11  
12 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*  
13 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*  
14 *with General Order 45, X.B., I hereby attest that Kevin Muck has concurred in this filing.*

15 Dated: June 2, 2008

FENWICK & WEST  
KEVIN P. MUCK  
KALAMA LUI-KWAN  
555 California Street, 12th Floor  
San Francisco, CA 94104  
Telephone: 415-875-2300  
18 Facsimile: 415-281-1350

19  
20 By: s/ Kevin P. Muck

21 Attorneys for Chris A. Malachowsky, Jeffrey D.  
22 Fisher, Mary M. Dotz, and Daniel F. Vivoli

\* \* \*

**ORDER**

Based on the stipulation of the signed parties, and good cause appearing, IT IS HEREBY ORDERED that:

1. If the case does not settle on or before June 16, 2008, plaintiffs will re-submit to the Court their Second Amended Complaint by June 16, 2008.
2. The parties will meet and confer regarding the Court's April 23, 2008 order denying plaintiffs' Administrative Motion to Seal Portions of the Second Amended Complaint and, if necessary, plaintiffs will file a renewed administrative motion on or before June 16, 2008.
3. Defendants will file their motions to dismiss on or before July 11, 2008.
4. Plaintiffs will file their opposition briefs on or before August 11, 2008.
5. Defendants will file their reply briefs or before August 26, 2008.
6. The hearing on defendants' motion to dismiss will remain as currently scheduled for September 9, 2008.

IT IS SO ORDERED.

DATED: 6/3/08

  
\_\_\_\_\_  
THE HONORABLE  
SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE